

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW ORDER	)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS	)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS	)	

**CONFIDENTIALITY PETITION**  
**PURSUANT TO 807 KAR 5:001 SECTION 7**

Petitioner, BellSouth Telecommunications, Inc. ("BellSouth"), hereby moves the Public Service Commission of Kentucky (the "Commission"), pursuant to KRS 61.878 and KAR 5:001, Section 7, to classify as confidential certain Responses of BellSouth to the Data Requests of Commission Staff to Incumbent Local Exchange Carriers dated October 10, 2003, to AT&T's First Set of Interrogatories (Nos. 1-112) and Requests for Production of Documents dated October 10, 2003, and to MCI's Initial Data Requests dated October 10, 2003. For easy reference, the Responses for which BellSouth is requesting proprietary treatment are set out on the attached chart. The chart contains the following information for each item: description, rationale for claiming confidentiality and competitors.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c)1. To qualify for this commercial information exemption and, therefore, protect the information as confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if

openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001, Section 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

The attachments to BellSouth's Responses to AT&T's Request for Production of Documents, Item Nos. 1b, 7 and 8, are network practices and BellSouth's Responses to MCI's Initial Data Request, Item No. 2, contain other network information. The network practices are documents that were developed internally and contain information relative to BellSouth's procedures and operations. They are not available outside the Company and represent a work product in which BellSouth has invested a substantial amount of time and capital. The other network information is used in conducting BellSouth's daily business. All of this network information is valuable in that BellSouth uses it in conducting business and BellSouth strives to keep it secret. Therefore, such information is a trade secret, is commercially valuable and should be classified as proprietary confidential business information.

The attachments to BellSouth's Responses to the Commission Staff's Data Requests, Item No. 2c, to AT&T First Set of Interrogatories, Item Nos. 21, 56, 62, 64(c)(d), 105, 105b, 106, and to MCI Initial Data Requests, Item Nos. 8h, and a portion of BellSouth's Responses to AT&T First Set of Interrogatories, Item Nos. 84, 85 and 107, and MCI Data Requests, Item No. 8, contain commercially sensitive marketing data. Public disclosure of this information would provide BellSouth's competitors with a competitive advantage. The data is valuable to competitors and potential competitors in formulating strategic plans for marketing and overall business strategies. This information relates to the competitive interest of BellSouth and disclosure would impair

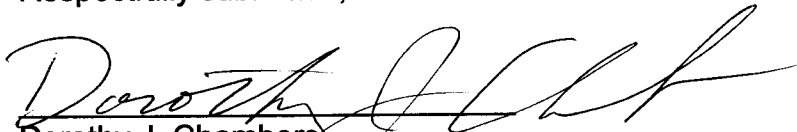
the competitive business of BellSouth. For these reasons, this information is considered proprietary. Public disclosure of this information would provide BellSouth's competitors with an unfair competitive advantage.

The Commission also should grant confidential treatment to the information so designated for the following reasons:

- (1) The information for which BellSouth is requesting confidential treatment is not known outside of BellSouth;
- (2) The information is not disseminated within BellSouth and is known only by those of BellSouth's employees who have a legitimate business need to know and act upon the information;
- (3) BellSouth seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting BellSouth's petition, there would be no damage to any public interest.

For these reasons, the Commission should grant BellSouth's request for confidential treatment of BellSouth's Responses or portions of BellSouth's Responses as set out in the attached chart.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dorothy J. Chambers", written over a horizontal line.

Dorothy J. Chambers  
601 W. Chestnut Street, Room 407  
P. O. Box 32410  
Louisville, KY 40232  
(502) 582-8219

R. Douglas Lackey  
Meredith E. Mays  
Suite 4300, BellSouth Center  
675 W. Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0747

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

512271

CASE	ITEM	DESCRIPTION/LOCATION	RATIONALE	COMPETITORs
<b>AT&amp;T's First Set of Interrogatories (1-112) &amp; First Set of Production of Documents dated October 10, 2003</b>	POD 1 b	Attachment - Network practices	trade secrets, commercially valuable	CLECs, CAPs, ILECs, cable companies
	POD 7	Attachment - Network practices	trade secrets, commercially valuable	CLECs, CAPs, ILECs, cable companies
	POD 8	Attachment - Network practices	trade secrets, commercially valuable	CLECs, CAPs, ILECs, cable companies
	21	Attachment - Quantity of residential lines in Wire Centers	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	56	Attachment - Quantity of access lines per CO, segmented by service type	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	62	Attachment - Number of access lines at customer premise locations	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	64 c & d	Attachment - Spare trunk capacity on switches	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	105 a	Attachment - Forecast of Access lines by wire center	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	105 b	Attachment - Current quantity of various types of network elements by wire center, also shows spare capacity in the same network elements and wire centers	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	106	Attachment - Access line count over year period showing growth or loss	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	84	In document - Recurring billing for collocation	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	85	In document - Revenues for collocation -- multiple years	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	107	In document - Inservice quantity of UNE-L, UNE-P, and resale arrangements	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	2	Attachment - various capacity, type, utilization, software versions, etc., of all Cos in KY	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
	8h	Attachment - Collocation detail by CO	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies
<b>Commission's Data Requests dated October 10, 2003</b>	8j	Text in document - Item 8, pg. 6 of 6	Commercially sensitive market data, wholesale revenue	CLECs, CAPs, ILECs, cable companies
	2c	Attachment - Quantity of access lines lost by wire center detail	Commercially sensitive market data	CLECs, CAPs, ILECs, cable companies